



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,904	12/01/2003	J. Rodney Walton	030412	3195
23696 7590 05/21/2007 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
			EXAMINER JAIN, RAJ K	
			ART UNIT 2616	PAPER NUMBER
			NOTIFICATION DATE 05/21/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com
kscanla@qualcomm.com
nanm@qualcomm.com

58

Office Action Summary	Application No. 10/725,904	Applicant(s) WALTON ET AL.	
	Examiner Raj K. Jain	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9, 20, 21, 25-27, 30, 31, 34, 37, 38, 40 and 43 is/are rejected.
- 7) ☒ Claim(s) 5-8, 10-19, 22-24, 26-29, 32, 33, 35, 36, 39, 41, 42, 44 and 45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/23/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 30, 34, 40 and 43 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The subject claims have no practical utility, they appear to be an algorithm executed by an computer program with no practical application and/or use and therefore are determined to be non-statutory. Appropriate correction is required.

Claim Objections

Claims 37-42 are objected to because of the following informalities: Change the word "machine" to "computer", furthermore, it is suggested that claims 37 and 40 be rewritten possibly as follows;

"A computer readable medium having executable instructions to perform operations including:". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2616

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 9, 20, 21, 25, 30, 31, 34, 37, 38, 40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al (US 2004/0176097 A1) in view of Halton et al (USP 6,697,346 B1).

Regarding claims 1, 2, 9, 20, 25, 30, 34, 37, 40 and 43, Wilson discloses a method for processing information in a communication system (see abstract, Fig. 1), comprising:

having a plurality of subchannels, each subchannel being operated at a specific data rate (see paras 10-11, different subchannels with different data rates are assigned to users);

selecting, for each of one or more user terminals, one of the subchannels to be used for transmitting control information from an access point to the respective user terminal, based on one or more selection criteria (see fig. 2, paras 16 and 21, specific user criteria's can be used to transmit data via the appropriate subchannels selected for use); and

transmitting information from the access point to a particular user terminal on a particular subchannel selected for the respective user terminal (see fig. 4, 6 and para 45 and 49).

Wilson fails to disclose partition and transmission of control information via an appropriate channel.

Halton discloses partitioning and transmission of random access control channel (RACH) information (see Figs. 2-6, col 3 lines 3-35.) Partitioning of a RACH provides for

Art Unit: 2616

full utilization of transmission frame resources and therefore providing a constant delivery of data without delay. Thus it would have been obvious at the time the invention was made to incorporate the teachings of Halton within Wilson so as to provide a constant delivery of data within a communications system without delay.

Regarding claims 3, 4, 21, 31, and 38 Wilson discloses each subchannel is associated with a specific set of operating parameters (see para 6).

Allowable Subject Matter

Claims 5-8, 10-19, 22-24, 26-29, 32, 33, 35, 36, 39, 41, 42, 44 and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

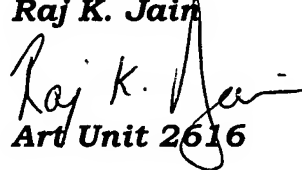
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj K. Jain whose telephone number is 571-272-3145. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Raj K. Jain

Art Unit 2616

May 10, 2007